

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

RALPH M. MOHR

Plaintiff,

v.

Civil No.: 11-CV-559-S

ERIE COUNTY LEGISLATURE,
Barbara Miller-Williams, Chairperson,
Robert M. Graber, Clerk of the Legislature,
CHRISTOPHER C. COLLINS, as
County Executive of the County of Erie and
COUNTY OF ERIE,

Defendants.

**DECLARATION OF JEREMY A. COLBY IN SUPPORT OF
DEFENDANTS' MOTION FOR AN EXPEDITED HEARING ON ITS
MOTION TO DISMISS PURSUANT TO RULE 12(C)**

Jeremy A. Colby, under penalty of perjury and pursuant to 28 U.S.C. § 1746,
declares the following to be true and correct:

1. I am an attorney at law duly licensed to practice in this Court and am the Erie County Attorney, attorney for the Defendants, Erie County Legislature, Chris Collins, and County of Erie ("the County Defendants), in the above-captioned action. I am familiar with the facts and circumstances of this litigation.

2. This declaration is in support of the motion by the County Defendants under Rule 12(c) seeking of the dismissal of this action as against the Legislature and the County Executive.

3. As set forth in the motion to dismiss filed herewith, Plaintiff a lawsuit against the County Defendants related to the alleged failure to properly reapportion the County's legislative districts. Plaintiff asserts claims in his complaint for (1) Equal Protection (denial of equal representation, "one person, one vote"); and (2) an Order adjusting ballot access because the failure to create new legislative districts means that the deadlines for the political calendar will have to be changed to ensure popular ballot access.

4. Generally, under Local Rule 7(b)(2)(B), the opposition shall have 14 days after the service of a motion to file and serve opposition papers and the moving party shall have seven days after service of the responding papers to file and serve reply papers.

5. As the Court is aware from its meeting with counsel and interested observers on Friday July 8, 2011, this matter is extremely time-sensitive in nature and crucial public interests are at stake. For example, inordinate delay will deprive citizens the ability to become candidates by circulating petitions, instead forcing them to seek ordination from political party bosses if the party-designation system for candidate selection is implemented for Legislature seats. Accordingly, time is of the essence. It is anticipated that political bosses will seek to delay this proceeding at every possible juncture. I pray that this Court sees through these artifices designed to thwart the democratic process. Accordingly, I respectfully request that the normal deadlines of Local Rule 7(b)(2)(B) be modified.

6. The County Defendants request a hearing as soon as possible and an aggressive briefing schedule. I suggest that we schedule oral argument for next week, opposition briefs by Friday July 15 and reply briefs by the day before oral argument (or any other timeframe deemed appropriate by the Court).

I declare under penalty of perjury that the foregoing is true and correct.

DATED: July 13, 2011

/s/ Jeremy A. Colby

Jeremy A. Colby